IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3491 OF 2002
(For condonation of delay)
IN
CRIMINAL APPEAL NO.869 OF 2002

The State of Maharashtra — Applicant
vs.
Sohan @ Rinkal Arjun @ Mohan Gujarati (Rathod) — Respondent (original accused no.2)

Ms.V.R.Bhonsale, APP for the State.

CORAM : R. M. LODHA &
R. S. MOHITE,JJ.

DATED : 14th February 2005

P.C.

In the separate order passed by us today in Criminal Application No.4253/2002, we have recorded the statement of Additional Public Prosecutor that despite the best efforts the correct address of the respondent (original accused no.2) could not be found. We may observe that the present respondent is also respondent in Criminal Application No.4253/2002 in Criminal Appeal No.870/2002. Mr.S.N.Naik, ASI, Gadhinglaj Police Station who went to the address mentioned in the cause title found that the respondent was not residing at the address given. The Additional Public Prosecutor states that she is not in a position to give the correct and complete address of respondent.

2. In the circumstances, we are of the view that if the

Additional Public Prosecutor is not in a position to give correct address of the respondent and that notice cannot be served on the respondent, there is no purpose in issuing notice to the respondent at the address at which he cannot be served.

3. In the circumstances and for the reasons that we have already noted in our order passed separately in the Criminal Application No.4253/2002, we are constrained to dismiss the application. Order accordingly.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)